

Re: **JP****07 FEB 2008****10/550772****Translation****PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 04P535WO-FRK	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/004790	International filing date (day/month/year) 01.04.2004	Priority date (day/month/year) 04.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant ASICS CORPORATION		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>6</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																									
<p>4. This report contains indications relating to the following items:</p> <table><tr><td><input checked="" type="checkbox"/></td><td>Box No. I</td><td>Basis of the report</td></tr><tr><td><input type="checkbox"/></td><td>Box No. II</td><td>Priority</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. III</td><td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td></tr><tr><td><input type="checkbox"/></td><td>Box No. IV</td><td>Lack of unity of invention</td></tr><tr><td><input checked="" type="checkbox"/></td><td>Box No. V</td><td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VI</td><td>Certain documents cited</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VII</td><td>Certain defects in the international application</td></tr><tr><td><input type="checkbox"/></td><td>Box No. VIII</td><td>Certain observations on the international application</td></tr></table>		<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input checked="" type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report																								
Name and mailing address of the IPEA/JP	Authorized officer																								
Facsimile No.	Telephone No.																								

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1, 5-11 as originally filed/furnished
- pages* 2-4/1 received by this Authority on 01.02.2005
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. 1-8 as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 9-12 received by this Authority on 01.02.2005
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets fig. 1-6 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 9-12

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 9-12

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-8	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-8	NO
Industrial applicability (IA)	Claims	1-8	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
<p>Document 1: JP 2000-90272 A (Hitachi Zosen Corp.; Hitachi Zosen Joho System Kabushiki Kaisha), 31 March 2000</p> <p>Document 2: JP 2001-104005 A (Asics Corp.), 17 April 2001</p> <p>Document 3: JP 2002-172104 A (Hee Man LEE; Yonjin KIM), 18 June 2002</p>			
<p>The inventions that are set forth in claims 1 and 2 do not involve an inventive step in the light of document 1 (paragraphs [0011] and [0017]) and document 2 (paragraphs [0015] to [0017]) cited in the international search report. It would be easy for a person skilled in the art to conceive of measuring the sets of two-dimensional data that are disclosed in document 1 by means of the measurement method that is taught in document 2; furthermore, the technical feature of obtaining two-dimensional cross section data from three-dimensional data was well known prior to the priority date of the present application (for example, refer to the documents JP 2001-184373 A and JP 2000-182080 A).</p> <p>The invention that is set forth in claim 3 does not involve an inventive step in the light of document 1 and document 2 (paragraphs [0013] to [0017]). It would be</p>			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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easy for a person skilled in the art to conceive of measuring the sets of two-dimensional data and the sets of three-dimensional data that are disclosed in document 1 by means of the measurement method that is taught in document 2; furthermore, the technical feature of obtaining two-dimensional cross section data from three-dimensional data was well known prior to the priority date of the present application (for example, refer to the documents JP 2001-184373 A and JP 2000-182080 A).

The invention that is set forth in claim 4 does not involve an inventive step in the light of document 1, document 2 and document 3 (paragraph [0030]) cited in the international search report. It would be easy for a person skilled in the art to conceive of configuring so that the measuring instrument which is disclosed in document 1 is capable of measuring the angle between the big toe of a foot and the centerline of the foot, as taught in document 3.

The inventions that are set forth in claims 5 and 6 do not involve an inventive step in the light of document 1 and document 2 (paragraphs [0013] to [0017]). It would be easy for a person skilled in the art to conceive of measuring the sets of two-dimensional data and the sets of three-dimensional data that are disclosed in document 1 by means of the measurement method that is taught in document 2; furthermore, the technical feature of obtaining two-dimensional cross section data from three-dimensional data was well known prior to the priority date of the present application (for example, refer to the documents JP 2001-184373 A and JP 2000-182080 A).

The invention that is set forth in claim 7 does not involve an inventive step in the light of document 1,

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

document 2 and document 3 (paragraph [0030]) cited in the international search report. It would be easy for a person skilled in the art to conceive of configuring so that the measuring instrument which is disclosed in document 1 is capable of measuring the angle between the big toe of a foot and the centerline of the foot, as taught in document 3.

The invention that is set forth in claim 8 does not involve an inventive step in the light of document 1 and document 2 (paragraphs [0015] to [0017]). It would be easy for a person skilled in the art to conceive of measuring the sets of two-dimensional data that are disclosed in document 1 by means of the measurement method that is taught in document 2; furthermore, the technical feature of obtaining two-dimensional cross section data from three-dimensional data was well known prior to the priority date of the present application (for example, refer to the documents JP 2001-184373 A and JP 2000-182080 A).